



# EUROPEAN SEARCH REPORT

Application Number  
EP 10 18 1361

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	WO 01/22920 A2 (HUMAN GENOME SCIENCES INC [US]; RUBEN STEVEN M [US]; BARASH STEVEN C [US]) 5 April 2001 (2001-04-05) * sequence 966 * * abstract *	1-12	INV. C12Q1/68 C12N15/11 C07H21/04 C07K14/435 C07K14/47
X	WO 00/37643 A (CORIXA CORPORATION; XU, JIANGCHUN; LODES, MICHAEL, J; SECRIST, HEATHER) 29 June 2000 (2000-06-29) * the whole document *	1-8, 10, 11	
			TECHNICAL FIELDS SEARCHED (IPC)
			C12Q
The present search report has been drawn up for all claims			
Place of search Munich		Date of completion of the search 11 April 2011	Examiner Schwachtgen, J
CATEGORY OF CITED DOCUMENTS			
X particularly relevant if taken alone Y particularly relevant if combined with another document of the same category A technological background O non-written disclosure P intermediate document T theory or principle underlying the invention E earlier patent document, but published on or after the filing date D document cited in the application L document cited for other reasons & member of the same patent family, corresponding document			

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

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This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

11-04-2011

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 0122920	A2	05-04-2001	AU	7721500 A	30-04-2001
			CA	2384713 A1	05-04-2001
			EP	1265582 A2	18-12-2002
WO 0037643	A	29-06-2000	AU	2387900 A	12-07-2000
			CA	2356987 A1	29-06-2000
			EP	1144632 A2	17-10-2001
			JP	2002533082 T	08-10-2002

The examination is being carried out on the **following application documents**

**Description, Pages**

1-85 as originally filed

**Sequence listings, SEQ ID NO**

1-338 as originally filed

**Claims, Numbers**

1-12 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

- 1 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.
  - D1 WO 01/22920 A2 (HUMAN GENOME SCIENCES INC [US]; RUBEN STEVEN M [US]; BARASH STEVEN C []) 5 April 2001 (2001-04-05)
  - D2 WO 00/37643 A (CORIXA CORPORATION; XU, JIANGCHUN; LODES, MICHAEL, J; SECRIST, HEATHER) 29 June 2000 (2000-06-29)
- 2 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claims 1-12 is not new within the meaning of Article 54(1) and (2) EPC.
- 2.1 D1 discloses a method for determining the onset or predisposition of cancer of the colon by measuring an isolated nucleic acid molecules that comprises the nucleotide sequence substantially as set forth in SEQ ID NO: 195 of the present application (claims, abstract, SEQ ID NO: 966). The disclosure of D1, thus, anticipates all the technical features of the subject-matter of present claims 1-12.

- 2.2 D2 discloses a method for determining the onset or predisposition of cancer of the colon by measuring an isolated nucleic acid molecules that hybridises at low stringency to a "functional derivative" of the nucleotide sequence substantially as set forth in SEQ ID NO: 14 of the present application (see claim 40). The disclosure of D1, thus, anticipates all the technical features of the subject-matter of present claims 1-8, 10, 11.
- 3 Even if novelty could be established, the present application would not meet the requirements of Article 56 EPC with regard to inventive step. It appears that the variants of the known nucleic acid sequence according to D1 could and would be used by the skilled to assay biological samples without the intervention of inventive skills.
- 4 The terms and expressions "substantially", "functional derivative", "variant", "derivative" and "analogue" used in claims 1, 2, 8 and 11 are vague and unclear. Their use leaves the skilled person in doubt as to the meaning of the technical feature to which they refer, thereby rendering the definition of the subject-matter of said claim unclear (Article 84 EPC).
- 5 The application does not provide technical support (Article 84 EPC) and does not sufficiently disclose (Article 83 EPC) a method for detecting any neoplasm using SEQ ID NO: 195, as claimed in present claims 1-4, 6-12.